

1 HOUSE BILL NO. 695

2 INTRODUCED BY R. BROWN, ANDERSEN, BARRETT, BRUEGGEMAN, E. CLARK, EVERETT, FISHER,
3 FUCHS, HAINES, HEDGES, HURWITZ, JACKSON, MENDENHALL, MOOD, PATTISON, RIPLEY,
4 ROBERTS, ROME, SCHRUMPF

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6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT IN A NEGLIGENCE ACTION AGAINST A
7 HEALTH CARE PROVIDER, ~~NONECOMONIC DAMAGES ARISING FROM EMERGENCY CARE ARE LIMITED~~
8 ~~TO \$50,000 AND A MEDICAL EXPERT~~ AN INDIVIDUAL WHO TESTIFIES MUST HAVE HAD AT LEAST 5
9 YEARS OF EXPERIENCE PRIOR TO THE TIME OF THE ACT OR OMISSION THAT IS THE BASIS FOR THE
10 ACTION TEACHING IN A FIELD OR PRACTICING IN A PRACTICE THAT IS THE SAME OR SUBSTANTIALLY
11 THE SAME AS THE DEFENDANT'S RELATED TO THE DIAGNOSIS OR PROGNOSIS AT ISSUE OR THE
12 TYPE OF TREATMENT ADMINISTERED IN THE CASE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE
13 AND AN APPLICABILITY DATE."

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15 ~~WHEREAS, the State of Montana is experiencing difficulty in attracting and maintaining a network of~~
16 ~~physicians sufficient to meet the needs of the people of the state; and~~

17 ~~WHEREAS, the Legislature had determined that the shortage of physicians in the state and the inability~~
18 ~~to attract more physicians to the state poses a serious threat to the health, welfare, and safety of the people of~~
19 ~~the state; and~~

20 ~~WHEREAS, it is recognized that persons who have been injured by medical malpractice must be~~
21 ~~afforded appropriate access to legal remedies for their injuries and that any resulting damages awards should~~
22 ~~be directed to the injured persons; and~~

23 ~~WHEREAS, unfettered lawsuits serve to further exacerbate a congested judicial system and delay timely~~
24 ~~payment of just claims; and~~

25 ~~WHEREAS, the State of Montana has a compelling state interest in ensuring that affordable health care~~
26 ~~is available for its citizens and stabilization of medical malpractice insurance premiums will contribute toward~~
27 ~~cost containment for health care for Montana citizens.~~

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29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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